

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FUSION ELITE ALL STARS, et al., Plaintiffs, v. VARSITY BRANDS, LLC, et al., Defendants.	Case No. 2:20-cv-02600-SHL-tmp JURY TRIAL DEMANDED
---	--

**PLAINTIFFS' MOTION REQUESTING HEARING ON
MOTION TO COMPEL (ECF NO. 199)**

Pursuant to Tennessee Western District L.R. 7.2(d), Plaintiffs respectfully request a hearing regarding Plaintiffs' Motion To Compel Discovery Responses From Defendants Varsity Brands, LLC, Varsity Spirit, LLC, Varsity Spirit Fashion & Supplies, LLC¹ and U.S. All Star Federation, Inc.² (ECF No. 199.)

On February 15, 2022, Plaintiffs filed a Motion to Compel Defendants to produce documents and written responses to certain of Plaintiffs' requests for production and interrogatories related to Plaintiffs' allegations that the exclusionary scheme orchestrated by Varsity and USASF allowed Defendants "to resist the demand to prevent sexual abuse in the industry, thereby providing a lower quality cheerleading experience to gym owners, parents, and children." (ECF No. 199, citing ECF No. 56 ¶237.) On March 1, 2022, Varsity and USASF each filed a Response in Opposition to Plaintiffs' Motion to Compel. (ECF Nos. 203, 204). On March

¹ Collectively, "Varsity."

² "USASF." Collectively with Varsity, "Defendants."

8, 2022, Plaintiffs sought leave to file a Reply in Support of their Motion to Compel. (ECF No. 207.) Plaintiffs attached the Reply to the Motion for Leave to File. (*Id.* Ex. A.) Plaintiffs' request was granted on March 10, 2022. (ECF No. 209.)

Plaintiffs' Motion to Compel is *sub judice*. Accordingly, Plaintiffs seek a hearing on the Motion to bring this dispute to a resolution.

Dated: June 29, 2022

Respectfully submitted,

By: /s/ Veronica Bosco

Gregory S. Asciolla*
Karin E. Garvey*
Veronica Bosco*
DICELLO LEVITT GUTZLER
60 East 42nd Street, Suite 2400
New York, NY 10165
Telephone: (646) 933-1000
gasciolla@dicellolevitt.com
kgarvey@dicellolevitt.com
vbosco@dicellolevitt.com

Jonathan W. Cuneo*
Victoria Sims*
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Avenue NW, Suite 200
Washington, DC 20016
Telephone: (202) 789-3960
jonc@cuneolaw.com
vicky@cuneolaw.com

H. Laddie Montague, Jr.*
Eric L. Cramer*
Mark R. Suter*
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19106
Telephone: (215) 875-3000
hlmontague@bm.net
ecramer@bm.net
msuter@bm.net

Interim Co-Lead Counsel for the Proposed Direct Purchaser Class

J. Gerard Stranch, IV (TN BPR #23045)
Benjamin A. Gastel (TN BPR #28699)
BRANSTETTER, STRANCH & JENNINGS, PLLC
223 Rosa Parks Ave. Suite 200
Nashville, TN 37203
Telephone: (615) 254-8801
gerards@bsjfirm.com
beng@bsjfirm.com

Liaison Counsel for the Proposed Direct Purchaser Class

Benjamin D. Elga*
JUSTICE CATALYST LAW, INC.
81 Prospect Street Brooklyn, NY 11201
Telephone: (518) 732-6703
belga@justicecatalyst.org

Craig L. Briskin*
JUSTICE CATALYST LAW, INC.
718 7th Street NW Washington, DC 20001
Telephone: (518) 732-6703
cbriskin@justicecatalyst.org

Roberta D. Liebenberg*
Jeffrey S. Istvan*
Mary L. Russell*
FINE KAPLAN AND BLACK, R.P.C.
One South Broad St., 23rd Floor
Philadelphia, PA 19107
Telephone: (215) 567-6565
rliebenberg@finekaplan.com
jistvan@finekaplan.com
mrussell@finekaplan.com

Nathan A. Bicks (TN BPR #10903)
Sarah E. Stuart (TN BPR #035329)
BURCH, PORTER, & JOHNSON, PLLC
130 North Court Ave.
Memphis, TN 38103
Telephone: (901) 524-5000
nbicks@bpjlaw.com
sstuart@bpjlaw.com

Aubrey B. Harwell, Jr. (TN BPR #002559)
Charles Barrett (TN BPR #020627)
Aubrey B. Harwell III (TN BPR #017394)
NEAL & HARWELL, PLC
1201 Demonbreun St., Suite 1000 Nashville, TN 37203
Telephone: (615) 244-1713
aharwell@nealharwell.com
cbarrett@nealharwell.com
tharwell@nealharwell.com

*Admitted pro hac vice

Counsel for the Proposed Direct Purchaser Class

CERTIFICATE OF GOOD FAITH

Consistent with Local Rule 7.2(a)(1)(B), on June 27, 2022, at 12:47 P.M. EDT, Veronica Bosco, counsel for Plaintiffs in the *Fusion Elite* matter, contacted Steven Kaiser, Nicole Berkowitz Riccio, and Matthew Mulqueen and informed them of Plaintiffs intent to file the above-captioned Motion. Counsel for Defendants did not agree to the relief sought herein.

/s/ Veronica Bosco

CERTIFICATE OF SERVICE

I hereby certify that on this 29 day of June, 2022, I served a copy of the foregoing

Plaintiffs' Motion via ECF upon the below Counsel:

George S. Cary
Steven J. Kaiser
Linden Bernhardt
**CLEARY GOTTLIEB STEEN &
HAMILTON LLP**
2112 Pennsylvania Avenue, NW
Washington, DC 20037
gcary@cgsh.com
skaiser@cgsh.com
lbernhardt@cgsh.com

Heather Nyong'o
Jennifer K. Park
**CLEARY GOTTLIEB STEEN &
HAMILTON LLP**
1841 Page Mill Road
Palo Alto, CA 94304
hnyongo@cgsh.com
jpark@cgsh.com

Matthew S. Mulqueen
Adam S. Baldridge
**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ**
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
mmulqueen@bakerdonelson.com
abaldridge@bakerdonelson.com

*Attorneys for Defendants Varsity Brands,
LLC; Varsity Spirit Fashions & Supplies;
and Varsity Spirit LLC*

Grady Garrison
Nicole D. Berkowitz Riccio
James Andrew Roach
**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ**
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
ggarrison@bakerdonelson.com
nberkowitz@bakerdonelson.com
aroach@bakerdonelson.com

*Attorneys for Defendant U.S. All Star
Federation, Inc.*

/s/ Lisa L Lucas